

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED
FEB 14 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 95.413(a)(9), CB Rule 13,)
Prohibiting Communications or Attempts to)
Communicate with Citizens Band Stations)
More Than 250 Kilometers (155.3 Miles) Away.)

RM-9807

To: The Chief, Wireless Telecommunications Bureau

COMMENTS OF ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR
RADIO, IN RESPONSE TO PETITION FOR RULE MAKING

ARRL, The National Association for Amateur Radio (ARRL), on behalf of its members and the more than 650,000 amateur radio licensees in the United States, by counsel and pursuant to §1.405 of the Commission's rules (47 C.F.R. §1. 405), hereby respectfully offers its comments in response to the above-captioned Petition for Rule Making of Alan Dixon ("Dixon Petition").¹ In support of its Petition, the ARRL states as follows:

I. INTRODUCTION

1. The Dixon Petition seeks the elimination of the requirement that CB operators not communicate with, or attempt to communicate with, other CB stations at distances

¹ The Petition for Rule Making was filed with the Commission on November 3, 1999 and placed on Public Notice on January 14, 2000. Accordingly, these comments are timely

No. of Copies rec'd
114609

OKY

greater than 250 kilometers (or 155.3 miles).² This proposal strikes at a core distinction between the Citizens Band (CB) Radio Service and the Amateur Radio Service (ARS). The Dixon proposal seeks to redefine the purpose of the CB Radio Service by allowing long-distance CB communications. The Petition does not establish that there are instances in which CB operators have a legitimate need to exceed the distance limitation. Rather, it seeks to avoid liability of CB users for inadvertently violating the rule.

2. The CB Radio Service was designed for short-distance communications to allow for frequency re-use and shared use of the fixed channels. The CB band was not ever intended for the long-distance communications advocated by the Dixon Petition.³ The

filed.

² The Dixon Petition seeks the repeal of 47 CFR §95.413(a)(9).

³ The Commission, in 1960, in Docket 12987, clarified the purposes of the Citizen's Radio Service, and the permissible communications associated therewith. In so doing, the Commission made clear that amateur-type communications were not permitted, and the distance limitations were explained:

The Commission believes that the limiting of stations to the local groundwave coverage area, as distinguished from communications which depend on skywave reflection, is consistent with the basis and purpose of the Citizen's Radio Service...as designed to provide for private short-distance (emphasis in original) radiocommunications...

Citizen's Radio Service, 19 RR 1548, 1553 (1960).

On reconsideration, the Commission explained the distance limitations with more specificity:

Although it is true that [the Commission's Rules] contain...no specific prohibition against amateur-type communications, the use of a citizen's radio station as a hobby in and of itself for the amusement of the operator is completely inconsistent with the purpose of the Citizen's Radio Service as stated in [the Rules] as providing for private short-distance radiocommunications, and is therefore not authorized.

By the same token the term "short distance" admittedly does not spell out any exact distance limitations, but it is obvious that it does not permit

Amateur Radio Service serves that purpose. Longer distance communications in the CB Radio Service limit frequency re-use and encourage the already epidemic-level problem of illegal linear amplifier use. The Dixon proposal would also blur the separate purposes of the Citizens' Radio Service and the Amateur Radio Service.

3. This proposal, if adopted, would encourage the use of power amplifiers ("linear amplifiers"), which are not permitted in the Citizens' Radio Service, but which have long been an enforcement problem for the Commission. The proposal is also unnecessary. Long distance HF communications are readily available in the Amateur Radio Service, and due to recent rule changes, an Amateur license is even more readily obtainable by anyone with an avocational interest in radiocommunications than previously. The Dixon Petition offers no reason why the Amateur Radio Service could not satisfy any need for longer distance high-frequency communications. Certainly, a redefinition of the basis and purpose of the CB Radio Service is not required.

II. The Dixon proposal is contrary to the fundamental purpose of the CB Radio Service.

4. The CB Radio Service was created to provide private, two-way, short-distance voice communications for the personal or business activities of the general public.⁴ This Service was designed to allow channels to be reused or shared by many users

communications ranges of several hundred to several thousand miles that are dependent on erratic and unpredictable skip conditions and skywave reflection...

Citizen's Radio Service, 19 RR 2d 1554, 1554(c) (1960).

⁴ This point is noted in §95.401(a) of the Commission's Rules, and is readily conceded by

simultaneously. Accordingly, power and distance limitations were necessary for the orderly operation of the Service.

5. Despite the clear short-distance purpose of the CB Radio Service, the Dixon Petition proposes to eliminate the 155.3 mile distance limitation so that CB users need not fear “inadvertent” violations of the rule. However, there are no recent instances of Commission enforcement actions instituted as the result of inadvertent distant rule violations. Therefore, the Petition fashions a remedy without a problem.

III. The Dixon proposal would interfere with the orderly enjoyment of the airwaves and would encourage the use of illegal power amplifiers.

6. The ability of CB users to share and re-use channels simultaneously would be compromised by the Dixon proposal. Opening the CB band to long distance communications would increase instances of interference between and among CB users and would preclude those using the CB channels for their intended purpose. The Commission is already facing an enforcement problem with respect to CB use of illegal power amplifiers, and has for years. Illegal, overpowered CB radios and power amplifiers cause interference to home electronic equipment. The prospect of long-distance CB use would only invite more such violations and create greater enforcement issues.

IV. Long distance HF communications are readily available in the Amateur Radio Service.

7. The Amateur Radio Service is the proper forum for the desired long-distance

the Dixon Petition.

communications sought by the Dixon Petition. The implication of the Dixon Petition is that CB users desiring long-distance communications should not be burdened by having to obtain an amateur license. However, the fact that there are more than 650,000 licensed amateur radio operators in the United States, including many of elementary school age, indicates that the knowledge and skills necessary to pass the examination and obtain a license in the Amateur Radio Service are not difficult. CB users are more than welcome in the Amateur Radio Service, provided they demonstrate the level of skill and responsibility required of all amateur licensees.

V. CONCLUSION

8. The Dixon Petition would jeopardize the integrity of the CB Radio Service. It opens the door to random (amateur-type) communications in the CB band. Such use, particularly in the 27 MHz frequency band, is capable of creating interference. It will invite increased use of illegal power amplifiers to conduct long distance communications. Allowing long-distance communications in the CB Radio Service would defeat the purpose of the CB Radio Service, to provide private, two-way, short-distance voice communications for the personal or business activities of the general public.

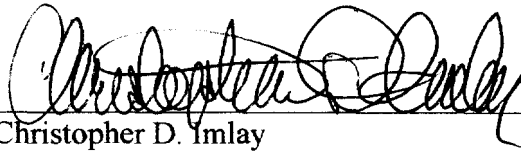
9. Therefore, the foregoing considered, ARRL, The National Association for Amateur Radio, respectfully requests that the instant Petition be denied.

225 Main Street
Newington, CT 06111

Respectfully submitted,

**ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

By:

A handwritten signature in black ink, appearing to read "Christopher D. Imlay", written over a horizontal line.

Christopher D. Imlay
Its General Counsel

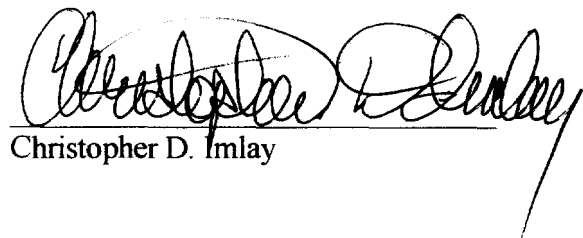
BOOTH FRERET IMLAY & TEPPER, P.C.
5101 Wisconsin Avenue, NW
Suite 307
Washington, DC 20016-4120
(202) 686-9600

February 14, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing COMMENTS OF ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO, IN RESPONSE TO PETITION FOR RULE MAKING was mailed, postage prepaid, this 14th day of February, 2000, to the following:

Alan Dixon
1895 Nichols Landing Way
Dacula, GA 30019-4823



Christopher D. Imlay